

From: [REDACTED]
To: [M42 Junction 6](#)
Subject: FW: National Exhibition Centre Limited ("the NEC") - Written Representation
Date: 03 June 2019 19:34:27
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[NEC Written Representation 190603.pdf](#)
[NEC Written Representation Summary 190603.pdf](#)

To whom it may concern,

We act for the NEC in respect of compulsory purchase and compensation matters. Ahead of Deadline 1, we have pleasure in attaching:

- its Written Representation; and
- a summary of its Written Representation.

The NEC wishes:

- to notify the Planning Inspectorate of its wish (at this time) to speak at a Compulsory Acquisition Hearing.
- to set up an Accompanied Site Inspection (ASI) in respect of the NEC's estate in order to emphasise (amongst other matters) the importance of maintaining access to the estate and minimising temporary land take.

We would be grateful if you can acknowledge receipt of this communication to Adam Rhead and if you would please confirm the dates/times of the hearing and site inspection so that these can be held in diaries.

Yours faithfully

Gerald Eve LLP

Adam Rhead

Partner

Tel: 02034863499

[REDACTED]
Email: ARhead@geraldev.com

Gerald Eve LLP
72 Welbeck Street, London, W1G 0AY
Web: www.geraldev.com



GERALDEVE

Please consider the environment before printing this email – we are ISO 14001 certified.

Gerald Eve LLP is a limited liability partnership registered in England and Wales (registered number OC339470) and is

regulated by RICS. The term partner is used to refer to a member of Gerald Eve LLP or an employee or consultant with equivalent standing and qualifications. A list of members and non-members who are designated as partners is open to inspection at our registered office 72 Welbeck Street London W1G 0AY and on our website.

Disclaimer: This internet email is intended solely for the addressee. It may contain confidential or privileged information. If you have received it in error, please notify us immediately by telephone and delete the message. If you are not the intended recipient you must not copy, distribute, disclose, take any action or rely on it or any attachment in any way. The contents of this email may contain software viruses which could damage your own computer system. Whilst this email message has been swept by Symantec for the presence of computer viruses and Gerald Eve LLP has taken all reasonable steps to ensure this email message is virus free, Gerald Eve LLP cannot accept any responsibility for any damage you may sustain as a result of software viruses and you should conduct your own virus checks.

Security warning: please note that this email has been created in the knowledge that internet email is not a 100% secure communications medium. We advise that you understand and observe this lack of security when emailing us. Gerald Eve LLP may monitor outgoing or incoming emails. By replying to this email you give your consent to such monitoring. All offers are made subject to contract.

M42 Junction 6 Improvement

Planning Inspectorate Reference: TR010027

Written Representation

We respond to the Section 56 Planning Act 2008 Notice of Acceptance of an Application for a Development Consent Order (“DCO”) (M42 Junction 6 Order) received under cover of a letter dated 12 February 2019. We also refer to the NEC’s previous response letters (dated 28 November 2016, 2 March 2018, 28 September 2018 and 29 May 2019) together with meetings that have previously taken place between Highways England (“HE”), the National Exhibition Centre Limited (the “NEC”) and its adviser Gerald Eve LLP on 18 September 2018 and 11 March 2019.

The NEC welcomes the plans to address the current issues faced in respect of Junction 6, M42. The DCO application scheme (the “Scheme”) will have a direct and detrimental impact on the NEC and its interests (the “Estate”). These impacts were detailed in the NEC’s response to the ‘further consultation on the scheme’ dated 28 September 2018 and the NEC’s Relevant Representation submitted on 27 March 2019; however, these concerns have not been entirely addressed in the submitted DCO scheme.

This Written Representation considers Highway’s England’s (“HE”) letter of response dated 29 May 2019 in relation to the NEC’s Relevant Representation notwithstanding the limited time that has been available to NEC to assimilate the contents.

We identify the NEC’s outstanding concerns as well as highlight our request for time to be reserved at a Compulsory Acquisition Hearing; please confirm the hearing date and soon as possible. The hearing will allow for NEC voice to its outstanding concerns in the absence of agreeing a Statement of Common Ground (SoCG) with HE. However, the NEC’s goal is to reach an acceptable Statement of Common Ground (SoCG) with HE.

Furthermore, we formally request the opportunity for a site inspection in order to better highlight the NEC’s current areas of concern.

A. Redline boundary and construction timeframe

The NEC welcomes the HE’s response to concerns regarding the extent of land designated as permanent acquisition or temporary possession and recognises that *“the Contractor shall seek to maximise the use of the main Scheme compound in order to minimise the temporary land take in car park S5 and S7.”*

The detailed design study recently commissioned by HE and which is to be undertaken by WPD will help to provide further clarity and a thorough understanding of the likely extent of temporary land take requirements. The NEC wants to work towards a contractual agreement, particularly in relation temporary land take, which allows it to plan for the operational use of the car parking for key events and mitigate any losses flowing from HE’s use of the land.

The NEC notes that until the WPD report is completed and reviewed HE are not in a position to comment regarding the minimisation of land take. We do however reiterate the NEC's position that significant loss of land on either a temporary or permanent basis will have a substantial business impact through the incurrence of additional costs, for example, potentially preventing the NEC from taking business, or resulting in lost events and consequent revenue. Of concern is the lack of clarity on phasing, scale and timings around temporary possession. The NEC requests that greater certainty is given in this regard in order to better ascertain any potential impact on events taking place. Would there be potential for the release back of land for certain events such as Horse of the Year, which requires the use of a large percentage of the NEC car parks? The NEC emphasises its request that the redline boundary only includes land which is necessary (on both a temporary and permanent acquisition basis) for the construction of the Scheme and that HE confirms its indicative timings for taking possession along with phasing.

The below points have not been specifically answered in the latest response letter dated 29 May 2019 and as such we have included them in order to encourage a response:

HE advised during the 11 March 2019 meeting that the anticipated construction timeframe for the A45 East to M42 North Free Flow Link is now confirmed at 24 months (as opposed to 12 months as was communicated in early 2018). The NEC welcomes HE's confirmation that works will be suspended during the 2022 Commonwealth Games, as the Estate is a venue for multiple events and active on-site works would most likely lead to considerable disruption; are disruptive works likely to occur before or after the 2022 Commonwealth Games?

The NEC also welcomes the high level information provided on the proposed phasing of the A45 East to M42 North Free Flow Link but wishes to enter into an agreement by which areas of land will be occupied sequentially on a temporary basis and 'handed back' subject to notice being provided to the NEC. It is only with the benefit of such an agreement that the NEC will be able to mitigate the loss of key events that use this specific space for critical event use and consider and plan for the provision of alternative car parking arrangements for any forthcoming events. This will include the potential need to acquire additional car spaces around the Estate or undertake works to provide temporary replacement car parking so that the visitor experience is not impacted.

Furthermore, the NEC considers that it is vital that HE works with High Speed Two (HS2) Ltd to produce a harmonised approach in undertaking their respective utility diversion works across East 5 car park so that the disruption to the NEC's business activities is minimised. Both schemes need to underground high voltage cables across the East 5 car park with a connection to the final termination tower; these works need to be aligned by the promoters to ensure that the impact on the NEC's operations are mitigated. The NEC understands from recent discussions with HS2 that they are now planning to scale back their original scope of works and will only be undergrounding cables in the East 4 car park.

During the 18 September 2018 meeting, HE offered to explore the possibility of the NEC using a proposed worksite located on the opposite side of the A45 Coventry Road to the Estate as to mitigate the loss of car park space. The NEC welcomed HE's suggestion but considered that the site in question would be appropriate

only for use by contractors (and their employees) as opposed to visitors of the NEC. Furthermore, it wishes to be satisfied that HE will use alternative land in its control as worksites and contractor parking before supporting HE's proposed land take requirements which have yet to be minimised in respect of South 7 car park.

B. Maintaining access to the Estate

The NEC recognises that the construction of the Scheme presents various challenges to HE, including the maintenance of traffic flow and mitigation of the impact to local businesses.

The maintenance of access to the Estate from the M6, M42 and A45 during the Scheme works remains critical to the NEC's business and the NEC therefore supports and appreciates the principle of 'off-line' construction of Junction 5A, as proposed by HE. The NEC welcomes HE's confirmation that its *"contractor[s] (will liaise) with the NEC during both the planning and construction stages to identify key events where specific construction works or night-time traffic management closures should be avoided."*

C. M42 Southbound to A45 Eastbound

The NEC has concerns in respect of the redesign of the Eastway roundabout and the lack of a 'loop' beyond the southbound exit slip road. We note from HE's letter dated 29 May 2019 that traffic specialists have concluded that "the junction will operate well within capacity up to the year 2041 in both morning and evening peak times". The NEC notes that the morning and evening peaks do not consider additional traffic arriving for events that could cause a consistent peak throughout the morning. Delays in access to the site caused by the new traffic island prioritisation are a concern and could lead to significant queueing, affecting the mainline. If the design cannot be altered to avoid this, what other mitigation measures can be introduced to avoid this, or deal with such an eventuality? The NEC welcomes clarity on the control measures which can be implemented to deal with an increase in traffic, such as part time signals or manually controlled part time signals.

D. M42 Junction 6 dedicated south-west slip road to Airport Way

The NEC acknowledges and accepts HE's response regarding the removal of the dedicated slip lane, the inclusion of the 4th lane at the signal and the supporting detail regarding safety. However, the NEC requires confirmation that the existing capability to divert NEC traffic left onto the A45 or directly on to the NEC site via the Southway, will be retained using the VMS signing on the approach gantries.

E. Signalling/Signage

The NEC currently works very closely with HE, through its partnership agreement, to manage the peak event traffic flows onto and off its site. The scope for switching traffic between different entry points to the campus – through use of motorway variable message signs – is critical to the success of the NEC's business operations and must be maintained within the Scheme going forward.

We understand that HE is currently working with Solihull Metropolitan Borough Council (SMBC) to develop a robust signage strategy. The NEC welcomes further discussion on the strategy and supporting information and documentation regarding this in order to ensure the NEC is not adversely impacted.

The NEC recently met with HE and Solihull Metropolitan Borough Council (SMBC) on the preliminary static signage strategy and the link between both HE and HS2 works. A signage strategy for the new road layout should be agreed prior to the application being determined. We understand that details are being finalised, but we are yet to receive any further feedback or confirmation. The NEC asks that the findings are made available to it before its involvement at the detailed stage. The NEC seeks early agreement on high level signage principles for key access routes in the form of a SoCG and assurances on when the NEC is likely to be to be involved.

F. Traffic modelling

The NEC welcomed receiving the Transport Assessment Report in March 2019 and notes its findings. As previously discussed, The NEC is keen to ensure that the modelling considers both the Birmingham Airport seasonal peaks and the NEC event peaks, without a reliance on average baseline data. The NEC will continue to monitor this as part of future discussions.

G. North facing slip roads

Although the NEC was initially disappointed with the lack of north facing slip roads at the new Junction 5A of the M42, it acknowledges the expected reduced levels of management required by both the NEC and HE during major events.

Nonetheless, it has been flagged that it is *“possible that the junction may on occasion become congested, but these occurrences are likely to be infrequent.”* This is still concerning and based on HE’s next comment that suggests *“the proposed junction layout and design...will not preclude north facing slip roads being introduced...at a later stage if the need arises.”* Would it not be prudent to provide these in the first instance to more robustly deal with the potential for future congestion issues?

Without north facing slip roads the resilience of the Scheme improvements to the road network is suppressed as there is no opportunity to re-route heavy southbound traffic exiting the M42 or northbound traffic wishing to gain access to the motorway.

Birmingham Airport’s Relevant Representation accords with the NEC’s view that north facing slip roads should be included as part of the Scheme; it states that a *“significant proportion of traffic associated with potential developments such as...NEC...would require these slip roads to avoid congestion being created...which in turn may affect access to/from the airport.”*

H. Free flow link to Clock Island

The NEC notes that further to its consultation responses, a free-flow link has been included in the revised Scheme from the new link road on the approach to Clock Island, directly onto the A45 towards Birmingham. In the absence of traffic modelling data, the NEC welcomes this inclusion as it believes that it will reduce traffic waiting times, and queuing, at the island.

However, we also agree with Birmingham Airport's Additional Submission and their comments regarding concerns over future traffic growth associated with other developments, which could result in increased volumes of traffic during peak periods. Its suggestion to increase the queue storage area in order to maximise capacity and provide operational flexibility should be investigated and is supported by the NEC.

I. Clock interchange footpaths

As discussed in NEC'S Relevant Representation, the NEC welcomes the proposal that an alternative footpath and cycleway will be included in the Scheme.

Summary

The NEC welcomes the engagement it has had with HE and its partners to date and is grateful for the most recent response to its Relevant Representation. The NEC does however await some further information and clarification so that it can be satisfied that the Scheme is appropriately designed to meet both the demands of existing local stakeholders, as well as HS2 and the proposed Arden Cross development.

Disruption either in the local road network or to the Estate itself may result in an adverse impact on the business and, importantly, its clients and visitors. The NEC requests that HE mitigates its future temporary land take by refining its requirements in respect of South 7 car park and entering into negotiations for a contractual arrangement for the temporary use of parts of the car park.

In short, the NEC is focused on agreeing a SoCG with HE which focuses on the NEC's remaining issues. Aligned to this, the NEC would like to negotiate an agreement with HE which sets out the basis for which land temporarily required for the Scheme will be used and 'handed back' to the NEC.

M42 Junction 6 Improvement

Planning Inspectorate Reference: TR010027

Written Representation - Summary

The National Exhibition Centre Limited (“the NEC”) welcomes the plans to address the current issues faced in respect of Junction 6, M42. However, the NEC:

- remains concerned on the lack of clarity on phasing, scale and timings around temporary possession. We request that greater certainty is given in order to assess impact on events.
- Confirms that disruption either in the local road network or to the NEC’s estate itself may result in an adverse impact on the business and, importantly, its clients and visitors.
- considers it vital that HE works with High Speed Two (HS2) Ltd to produce a harmonised approach in undertaking their utility diversion works across the NEC’s estate.
- welcomes HE’s confirmation that works will be suspended during the 2022 Commonwealth Games.
- considers that the maintenance of access to the NEC’s estate from the M6, M42 and A45 during the Scheme works remains critical to the NEC’s business and welcomes HE’s confirmation that contractors will liaise with the NEC.
- remains concerned over the data used for the redesign of the Eastway roundabout and the lack of a ‘loop’ beyond the southbound exit slip road.
- wishes to take part in discussions on the signalling strategy. The signage strategy for the new road layout should be agreed prior to the application being determined; furthermore, the NEC should be in no worse position than that which it currently enjoys.
- welcomes the engagement it has had with HE and its partners to date but requires further clarification on some aspects.
- wishes to agree a SoCG focused on the NEC’s remaining issues.
- wishes to enter into an agreement by which areas of land temporarily required by HE will be occupied sequentially on a temporary basis and ‘handed back’ subject to notice being provided to the NEC.